



CITY OF SANTA BARBARA

COUNCIL AGENDA REPORT

AGENDA DATE: February 12, 2013

TO: Mayor and Councilmembers

FROM: City Clerk's Office, Administrative Services Department
Community Development Department

SUBJECT: Update On Code Of Conduct For Advisory Group Members And
Adoption Of Revised City Advisory Group Guidelines

RECOMMENDATION:

That Council adopt, by reading of title only, A Resolution of the Council of the City of Santa Barbara Approving the Revised Guidelines for the City of Santa Barbara Advisory Groups and Rescinding Resolution Nos. 03-006 and 06-092.

DISCUSSION:

At the meeting of September 25, 2012, the City Council directed staff to conduct training for staff liaisons and members of the boards and commissions in the areas of conflict of interest and code of conduct and to present a revised code of conduct to reflect changes recommended by the City Attorney.

In response to Council's direction, staff has developed the following program for addressing those needs, including:

- Direct presentations and discussion with key advisory groups on conflict of interest issues;
- Staff Training on Brown Act procedures;
- Revised Advisory Group Guidelines;
- Protocol for sole proprietor issues; and
- Future City TV Training Video for Boards and Commissions.

Presentation to Advisory Groups:

The City Attorney and Assistant City Administrator have conducted conflict of interest trainings at regular meetings of the Planning Commission, Architectural Board of Review, Historic Landmarks Commission (upcoming), and Single Family Design Board. The conversations have focused on conflict of interest issues, appropriate use of recusals and abstentions, and basic Brown Act parameters. These types of briefings will now be extended to other Boards and Commissions with an interest in these areas.

Staff Training on Brown Act Procedures:

In November, 2012, the City Attorney's Office and City Clerk's Office conducted a Brown Act Training to liaisons and support staff on how to enforce and respond to issues or questions regarding the Brown Act. This was a well attended training that helped reinforce best practices for our Boards and Commissions.

Revised Advisory Group Guidelines:

In response to Council's direction, staff is presenting the attached revision to the Guidelines for the City of Santa Barbara Advisory Groups, which has been updated to include a new Code of Conduct section and new requirements for certain Advisory Group members to complete AB 1234 Ethics Training.

The new Code of Conduct section outlines policies for members to follow to help avoid situations that may cause the appearance of a conflict of interest. It specifically explains how to handle difficult situations, such as stepping down due to a conflict of interest and when and how abstentions should be utilized. There are also explanations of the "Technical Drawings" and "Sole Proprietor" Exceptions to the Political Reform Act of 1974 and the City's policies on how those exceptions are handled. This information is geared for our design review boards.

With regards to the AB 1234 Ethics Training, the Governor signed Assembly Bill (AB) 1234 in October 2005 which requires that if a local agency provides any type of compensation, salary, or stipend to, or reimburses the expenses of a member of its 'legislative body', that local agency's officials must receive training in ethics. The training must encompass both general ethics principles and a summary of specific laws concerning conflicts of interests, rules and limitations on gifts, and government transparency.

Although the State Law has specified that only compensated members be required to take this training, staff is recommending that the City Council approve that members of certain City Advisory Groups also be mandated to take this training because their roles involve making decisions that impact individuals' or businesses' financial or real property interests or they are involved with approving leases, contracts or other budgetary decisions.

There are numerous training options, but the City recommends that its applicable Advisory Group members complete the free online training program that is offered by the California Fair Political Practices Commission one time upon appointment and then each time they are reappointed. The initial training requirement would specify that these members complete the training within 6 months of the attached resolution becoming effective.

The proposed City Ethics Training requirement would apply to the following City Advisory Groups:

Airport Commission
Architectural Board of Review
Creeks Advisory Committee
Downtown Parking Committee
Fire and Police Commission
Harbor Commission
Historic Landmarks Commission
Neighborhood Advisory Council
Parks and Recreation Commission
Planning Commission (Already State Mandated)
Street Tree Advisory Committee
Single Family Design Board
Water Commission

The Guidelines are also being revised to update information, reorganize the text, and clarify content. The revised Guidelines will be effective upon adoption of the resolution and will be distributed to all members of City Council Advisory Groups. Members will also be required to sign the Acknowledgment of Receipt of the Guidelines, which will be kept on file in the City Clerk's Office.

Future City TV Training Video:

Staff will be working with City TV over the next few months to develop a training video for future board and commission members. This training video will cover most of the issues outlined in this report, but also provide examples of how to appropriately deal with these types of situations within a meeting context.

ATTACHMENT: Draft City Council Advisory Group Guidelines

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SUBMITTED BY: Marcelo A. López, Assistant City Administrator
Paul Casey, Assistant City Administrator

APPROVED BY: City Administrator's Office



Update on Code of Conduct for Advisory Group Members and Adoption of Revised City Advisory Group Guidelines



February 12, 2013



Summary of Presentation

- Council Direction
- Brown Act Training for Staff
- Presentations to Advisory Groups
- Revised Advisory Group Guidelines and AB 1234 Ethics Training
- New Code of Conduct Section



Council Direction



Council Direction

September 25, 2012 Council Direction:

- Conduct Staff Training
- Conduct Training for Board and Commission Members
- Focus on Conflict of Interest and Code of Conduct
- Prepare a Revised Code of Conduct



Council Direction

Staff Response has Included:

- Staff Training on Brown Act Procedures
- Presentations to Key Advisory Groups
- Revised Advisory Group Guidelines
- New Code of Conduct as Part of Guidelines



Brown Act Training for Staff Liaisons



Brown Act Training for Staff Liaisons

Staff Training on Brown Act Procedures:

- Completed on November, 2012
- City Attorney and City Clerk Conducted Training
- Provided to Staff Liaisons and Support Staff
- Reinforced best practices



Presentation to Advisory Groups



Presentation to Advisory Groups

Presentations to Advisory Groups:

- Used Institute of Local Government “Ethics for Public Officials” Handout
- Discussed Conflict of Interest, Recusals and Abstentions
- Covered Brown Act Parameters
- Discussed Sole Proprietor Issues



Presentation to Advisory Groups

Completed Presentations:

- Planning Commission
- Architectural Board of Review
- Single Family Design Review Board
- Historic Landmarks Commission (coming)
- Others to be scheduled



Revised Advisory Group Guidelines and AB 1234 Ethics Training



Revised Advisory Group Guidelines

Updated Advisory Group Guidelines

- Updated Information and Reorganized Text
- New AB 1234 Ethics Training Requirements
- New Code of Conduct Section
- Signature Requirement Acknowledging Receipt of Guidelines



AB 1234 Ethics Training

- AB 1234 Signed into Law in 2005
- Requires that any board or commission that receives compensation must receive training in ethics
- Covers General Ethics Principles, Conflict of Interests, Limitations on Gifts, and Transparency Issues
- Currently only Applies to City Council and Planning Commission



AB 1234 Ethics Training

Proposed Changes to AB 1234 Requirements for City Advisory Groups

- Recommend Expanding Requirement for Training to Additional Advisory Groups

Airport Commission

Creeks Advisory Committee

Fire and Police Commission

Historic Landmarks Commission

Parks and Recreation Comm.

Single Family Design Rev. Bd.

Architectural Board of Review

Downtown Parking Committee

Harbor Commission

Neighborhood Advisory Council

Street Tree Advisory Committee

Water Commission



AB 1234 Ethics Training

Expanded AB 1234 Requirements

- Complete Free, On Line training upon appointment
- Complete Training after Each Re-Appointment
- Existing Members Complete Training within Six Months of Council Action



New Code of Conduct Section



New Code of Conduct Section

Proposed Code of Conduct Section

- Complete New Section to Advisory Group Guidelines
- Addresses Conflicts of Interest, Stepping Down, Abstentions
- Discusses Procedures Regarding Continued Items
- Discusses Failure to Vote and Attendance
- Clarifies Sole Proprietor Issues



Questions?

